

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-3, 8-14, 18-22, 28 and 29 are cancelled. Claims 4, 6, 7, 15, 17, 23, 24, 27, and 30-32 are amended.

Claims 15, 17, 23, 24, 31 and 32 are amended to correct claim dependency.

Claims 4, 7 and 27 are amended to correct a typographical error.

Claims 4, 6, 7, 15, 17, 23, and 30- 32 are amended in response to several requests made by the Examiner at the 12 July 2006 interview, discussed in greater detail below.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After entrance of the present amendment, Claims 4-7, 15-17, 23-27, and 30-33 remain pending in this application.

Applicants amend the Abstract to better reflect the claimed invention.

12 July 2006 Examiner Interview

Applicant thanks the Examiner for the courtesy extended to Jerry Swiss, Hugo Eng and Julie Yang in the interview of 12 July 2006. The Examiner's Interview Summary accurately reflects the matters addressed in the interview.

The Examiner indicated that claim 30, if unamended, would include non-elected subject matter. Claim 30 is amended to delete reference to any unelected compounds.

The Examiner identified several potential rejections that he might raise in further prosecution of this application on the merits. In order to expedite prosecution, Applicant amends claims 4, 6 and 7 to refer to heterocyclyl, rather than heterocyclic. This formal amendment does not alter the scope of the claims. Similarly, claims 15, 17, 23, 31 and 32 are amended at the

Examiner's request to refer to "any one of claims ..." rather than "any of claims ..." This amendment does not alter the scope of the claims.

Finally, the Examiner expressed a desire to see explicit definition of various substituted groups, *e.g.*, substituted alkyl, substituted aryl and substituted alkoxy. Claims 4, 6, and 7 are amended to insert the explicit definitions of the chemical terms provided in the "Definitions" section of the specification, beginning at page 36. Because a patentee is permitted to be his own lexicographer and may explicitly define claim terms, and because the definitions added by amendment are identical to the definitions provided by Applicant in the specification, the scope of claims 4, 6, and 7 is unchanged.

Objection to the Abstract

In the Office Action, the Abstract of the Disclosure was objected to as being insufficiently detailed. Applicants submit that the enclosed amended Abstract renders this objection moot.

Objection to Claims 17, 23 and 28

Claims 17, 23 and 28 are objected to under 37 C.F.R. § 1.75(c) as being in improper dependent form. Claims 17 and 23 are amended to correct the dependency. Claim 28 is canceled, thus mooting the objection.

Restriction Requirement

In response to the restriction requirement set forth in the Office Action mailed 2 May 2006, Applicant hereby elects Group I, Claims 4-7 for examination, without traverse. In connection with the restriction requirement, claims 1-3, 8-14, 18-22 and 28-29 are canceled as being drawn to non-elected subject matter. Further, Claim 30 is amended to delete reference to non-elected subject matter. Claims 15, 17, 23, 24, 31 and 32, are amended to provide proper claim dependency in view of the canceled claims.

Obviousness-Type Double Patenting Rejections

Claims 1-3, 8, 9, 12-13 and 15-33 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-2, 5-6 and 8-10 of copending U.S. application serial number 10/821,638. For the following reasons, this rejection is traversed.

Claims 1-3, 8, 9, 12-13, 18-22 and 28-29 are canceled. The remaining claims have been amended to delete reference to these claims. Accordingly, Applicant submits that any potentially overlapping subject matter has been canceled and these copending applications define compounds with NO overlap.

Withdrawal of this rejection is requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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